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US DISTRICT COURT E.D.N.Y.

★ OCT 31 2019 ★

BROOKLYN OFFICE

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

LISTON ALEXIS,

Plaintiff,

-against-

D.O.C. CITY OF NEW YORK,

Defendant.

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x

MEMORANDUM & ORDER

19-CV-3300 (ENV) (VMS)

VITALIANO, D.J.,

On June 17, 2019, plaintiff Liston Alexis, *pro se*, initiated this action against the New York City Department of Correction. By Memorandum and Order dated August 19, 2019, the Court granted plaintiff's application to proceed *in forma pauperis* and dismissed his complaint, *sua sponte*, with leave to file an amended complaint within 30 days.¹ However, since no amended complaint has been filed, much less in a timely fashion, the claims are dismissed.

The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal would not be taken in good faith, and therefore, *in forma pauperis* status is denied for the purpose of any appeal. *Coppedge v. United States*, 369 U.S. 438, 444–45 (1962).

The Clerk of Court is directed to enter judgment for defendant, to mail a copy of this Memorandum and Order to plaintiff and to close this case.

¹ After plaintiff notified the Court that he had not received the Memorandum and Order due to his release from Brooklyn Detention Center and his change of address, the Court directed the Clerk of Court to mail that Memorandum and Order to plaintiff's new address, and it extended plaintiff's deadline to file an amended complaint to October 28, 2019. *See* Dkt. 11.

So Ordered.

Dated: Brooklyn, New York
October 30, 2019

/s/ USDJ ERIC N. VITALIANO

ERIC N. VITALIANO
United States District Judge